



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 2 2001

OFFICE OF
CIVIL RIGHTS

CERTIFIED MAIL # Z 480 246 045
RETURN RECEIPT REQUESTED

In Reply Refer to:
EPA File No: 19R-00-R4

[REDACTED]
[REDACTED]
[REDACTED]

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear Rev. Coleman:


This letter is in reference to the administrative complaint you filed on December 20, 2000, with the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) concerning the Louisville/Jefferson County Air Pollution Control Board (Board), located in Louisville, Kentucky. Your complaint alleged that the Board has violated Title VI of the Civil Rights Act of 1964, as amended, (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's Title VI implementing regulations found at 40 C.F.R. Part 7.

Under Title VI, a recipient of federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). A complaint must meet the jurisdictional requirements described in EPA's Title VI regulations for investigation. 40 C.F.R. § 7.120. First, it must be in writing. Second, it must describe an alleged discriminatory act which violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. Fourth, because EPA Title VI regulations only apply to recipients of EPA assistance, the complaint must identify an EPA recipient that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

While your complaint alleges an act (*i.e.*, the Board limiting the Director of the Drexler Company and the Justice Resource Center to two minutes to discuss their concerns) that occurred within 180 days of the receipt of the complaint, it fails to identify any discrimination based on race, color, or national origin that would violate Title VI or EPA's implementing regulations. Therefore, OCR is rejecting your complaint against the Board.

If you have any questions, please contact Mirza P. Baig of my staff by phone at (202) 564-7272, by e-mail at baig.mirza@epamail.epa.gov, or by mail to the U.S. EPA, Office of Civil Rights (MC 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,


Ann E. Goode
Director

cc: Dr. Robert Powell, Chair
Jefferson County Air Pollution Control District
850 Barret Avenue
Louisville, KY 40204

Anna Wolgast, Acting General Counsel
Office of General Counsel (MC 2310A)

Rafael DeLeon, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Barry E. Hill, Director
Office of Environmental Justice (MC 2201A)

Marsha Minter, Special Assistant
Office of the Administrator (MC 1103A)

A. Stanley Meiburg, Acting Regional Administrator
EPA Region IV

Nancy Tommelleo, Title VI Coordinator
EPA Region IV